

BEFORE THE
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke)	
Probation against:)	
)	
JOSEPH EDGAR ALEXANDER)	Case No. 741-A
6100 Lupine Avenue)	
Bakersfield, CA 93308)	
)	
Civil Engineer License No. C 18297,)	
)	
Respondent.)	
_____)	

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board for Professional Engineers, Land Surveyors, and Geologists as its Decision in the above-entitled matter.

This Decision shall become effective on April 13, 2012.

IT IS SO ORDERED March 8, 2012.

Original Signed

BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS, AND GEOLOGISTS
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 M. TRAVIS PEERY
Deputy Attorney General
4 State Bar No. 261887
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0962
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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND
9 **GEOLOGISTS**
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
Probation Against:

12 **JOSEPH EDGAR ALEXANDER**
13 **6100 Lupine Avenue**
14 **Bakersfield, CA 93308**
Civil Engineer License No. C 18297

15 Respondent.

Case No. 741-A

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Richard B. Moore, PLS (Complainant) is the Executive Officer of the Board for
21 Professional Engineers, Land Surveyors, and Geologists. He brought this action solely in his
22 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the
23 State of California, by M. Travis Peery, Deputy Attorney General.

24 2. Respondent Joseph Edgar Alexander (Respondent) is represented in this proceeding
25 by attorney Jennille A. Smith, whose address is:

26 Smith & Zimmerman
27 1300 Clay St., Ste. 600
28 Oakland, CA 94612

3. On or about August 23, 1968, the Board for Professional Engineers, Land Surveyors, and Geologists issued Civil Engineer License No. C 18297 to Joseph Edgar Alexander (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation No. 741-A and will expire on December 31, 2011, unless renewed.

JURISDICTION

4. Petition to Revoke Probation No. 741-A was filed before the Board for Professional Engineers, Land Surveyors, and Geologists (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on April 8, 2011. Respondent timely filed his Notice of Defense contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation No. 741-A is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Petition to Revoke Probation No. 741-A. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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9. Respondent agrees that his Civil Engineer License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

10. This stipulation shall be subject to approval by the Board for Professional Engineers, Land Surveyors, and Geologists. Respondent understands and agrees that counsel for Complainant and the staff of the Board for Professional Engineers, Land Surveyors, and Geologists may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Civil Engineer License No. C 18297 issued to Respondent Joseph Edgar Alexander (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for one (1) year on the following terms and conditions.

1. **Obey All Laws.** The Respondent shall obey all laws and regulations related to the practices of professional engineering and professional land surveying.

2. **Submit Reports.** The Respondent shall submit such special reports as the Board may require.

3. **Tolling of Probation.** The period of probation shall be tolled during the time the Respondent is practicing exclusively outside the state of California. If, during the period of probation, the Respondent practices exclusively outside the state of California, the Respondent shall immediately notify the Board in writing.

4. **Violation of Probation.** If the Respondent violates the probationary conditions in any respect, the Board, after giving the Respondent notice and the opportunity to be heard, may vacate the stay and reinstate the disciplinary order which was stayed. If, during the period of probation, an accusation or petition to vacate stay is filed against the Respondent, or if the matter has been submitted to the Office of the Attorney General for the filing of such, the Board shall have continuing jurisdiction until all matters are final, and the period of probation shall be extended until all matters are final.

5. **Completion of Probation.** Upon successful completion of all of the probationary conditions and the expiration of the period of probation, the Respondent's license shall be unconditionally restored.

6. **Cost Recovery.** The Respondent is hereby ordered to reimburse the Board the amount of \$1,000.00 within nine (9) months from the effective date of this decision for its investigative and prosecution costs. Failure to reimburse the Board's cost of its investigation and

5. **Completion of Probation.** Upon successful completion of all of the probationary conditions and the expiration of the period of probation, the Respondent's license shall be unconditionally restored.

6. **Cost Recovery.** The Respondent is hereby ordered to reimburse the Board the amount of \$1,000.00 within nine (9) months from the effective date of this decision for its investigative and prosecution costs. Failure to reimburse the Board's cost of its investigation and prosecution shall constitute a violation of the probation order, unless the Board agrees in writing to payment by an installment plan because of financial hardship.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jennille A. Smith. I understand the stipulation and the effect it will have on my Civil Engineer License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board for Professional Engineers, Land Surveyors, and Geologists.


DATED: Nov. 4 2011

Joseph Edgar Alexander
JOSEPH EDGAR ALEXANDER
Respondent

I have read and fully discussed with Respondent Joseph Edgar Alexander the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

I approve its form and content.

DATED: 11/9/2011


Jenille A. Smith
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board for Professional Engineers, Land Surveyors, and Geologists of the Department of Consumer Affairs.

Dated: 11/18/11

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General



M. TRAVIS PEERY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Petition to Revoke Probation No. 741-A

1 KAMALA D. HARRIS
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2 GLORIA A. BARRIOS
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3 M. TRAVIS PEERY
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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND
9 **GEOLOGISTS**
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
12 Probation Against:

13 **JOSEPH EDGAR ALEXANDER**
14 **6100 Lupine Avenue**
Bakersfield, CA 93308
Civil Engineer License No. C 18297

15 Respondent.

Case No. 741-A

PETITION TO REVOKE PROBATION

16
17
18 Complainant alleges:

19 **PARTIES**

20 1. Joanne Arnold (Complainant) brings this Petition to Revoke Probation solely in her
21 official capacity as the Interim Executive Officer of the Board for Professional Engineers, Land
22 Surveyors, and Geologists, Department of Consumer Affairs.

23 2. On or about August 23, 1968, the Board for Professional Engineers, Land Surveyors,
24 and Geologists issued Civil Engineer License Number C 18297 to Joseph Edgar Alexander
25 (Respondent). Effective October 24, 2003, said license was revoked pursuant to the Default
26 Decision and Order of the Board for Professional Engineers, Land Surveyors, and Geologists in
27 the Matter of Accusation No. 741-A. Effective August 26, 2005, pursuant to the order of the
28 Decision of the Board for Professional Engineers, Land Surveyors, and Geologists in the Matter

1 of the Petition for Reinstatement of Revoked License of Joseph Edgar Alexander, Respondent's
2 license was reinstated; however, said reinstated license was then revoked, the revocation stayed,
3 and Joseph Edgar Alexander was placed on probation for two years upon certain terms and
4 conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.
5 Upon successful completion of the terms and conditions of his probation, the stay of revocation of
6 Respondent's reinstated license was extended, and the license was issued on probation for a
7 period of three years, through February 11, 2011. Said license will expire on December 31, 2011,
8 unless renewed.

9 **JURISDICTION**

10 3. This Petition to Revoke Probation is brought before the Board for Professional
11 Engineers, Land Surveyors, and Geologists (Board), Department of Consumer Affairs, under the
12 authority of the following laws. All section references are to the Business and Professions Code
13 unless otherwise indicated.

14 **STATUTORY PROVISIONS**

15 4. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
16 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
17 disciplinary action during the period within which the license may be renewed, restored, reissued
18 or reinstated.

19 **PETITION TO REVOKE PROBATION**

20 6. Grounds exist for revoking the probation and reimposing the order of revocation of
21 Respondent's Civil Engineer License in that Respondent has failed to comply with Conditions C6
22 and C7 of his probation.

23 **FIRST CAUSE TO REVOKE PROBATION**

24 **(Failure to Successfully Complete Professional Ethics Course)**

25 7. At all times after the effective date of Respondent's probation, Condition C6 stated:
26 "Within eighteen (18) months of the effective date of the issuance of the probationary
27 license, petitioner shall successfully complete a course in professional ethics approved in advance
28 by the Board or its designee."

1 8. Respondent's probation is subject to revocation because he failed to comply with
2 Probation Condition C6, referenced above. The facts and circumstances regarding this violation
3 are as follows:

4 a. On or about February 11, 2008, the Board sent Respondent a letter indicating that his
5 probation was being extended for three (3) years and informing him that pursuant to Condition
6 C6, he was required to successfully complete and pass a course in professional ethics, approved in
7 advance by the Board or its designee, within eighteen months of the beginning of the three-year
8 probationary period.

9 b. On or about January 9, 2009, the Board received a letter from Respondent requesting
10 approval of a professional ethics course as meeting the requirements of Condition C6 of the
11 probationary order.

12 c. On or about May 4, 2009, the Board sent a letter to Respondent approving
13 Respondent's chosen ethics course and reminding him that he must provide the Board with
14 verifiable proof of his successful completion of the course and that the course must be completed
15 by August 11, 2009.

16 d. On or about February 7, 2011, the Board sent a letter to Respondent advising him
17 that, to date, they had not received proof of his successful completion of the Board-approved
18 professional ethics course.

19 **SECOND CAUSE TO REVOKE PROBATION**

20 **(Failure to Reimburse Board Costs)**

21 9. At all times after the effective date of Respondent's probation, Condition C7 stated:
22 "Petitioner shall pay the Board the sum of \$5,971, the Board's investigation and
23 enforcement costs incurred in Case No. 741-A, within two (2) years of the effective date of the
24 issuance of the probationary license."

25 10. Respondent's probation is subject to revocation because he failed to comply with
26 Probation Condition C7, referenced above. The facts and circumstances regarding this violation
27 are as follows:

28 ///

1 a. On or about February 11, 2008, the Board sent Respondent a letter indicating that his
2 probation was being extended for three (3) years and informing him that pursuant to Condition
3 C7, he was required to reimburse the Board for its costs of investigation and enforcement of the
4 underlying case in the amount of \$5,971.00 within two years of the beginning of the three-year
5 probationary period.

6 b. On or about February 7, 2011, the Board sent a letter to Respondent advising him
7 that, to date, they had not received the payment of \$5,971.00 required by Condition C7, which
8 was due by February 11, 2010.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board for Professional Engineers, Land Surveyors, and
12 Geologists issue a decision:

- 13 1. Revoking the probation that was granted by the Board for Professional Engineers,
14 Land Surveyors, and Geologists in Case No. 741-A and imposing the disciplinary order that was
15 stayed, thereby revoking Civil Engineer License No. C 18297 issued to Joseph Edgar Alexander;
16 2. Revoking or suspending Civil Engineer License No. C 18297, issued to Joseph Edgar
17 Alexander; and
18 3. Taking such other and further action as deemed necessary and proper.
19

20 DATED: 4/8/11
21

Original Signed

22 JOANNE ARNOLD
23 Interim Executive Officer
24 Board for Professional Engineers, Land Surveyors,
25 and Geologists
26 Department of Consumer Affairs
27 State of California
28 *Complainant*

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Exhibit A

Decision and Order

Board for Professional Engineers and Land Surveyors Case No. 741-A

BY Original Signed

BEFORE THE
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Reinstatement of the Revoked License of:

JOSEPH E. ALEXANDER,

Petitioner.

OAH No. N2005050530

DECISION

The Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs, State of California, heard this matter in San Francisco, California, on June 24, 2005. Administrative Law Judge Stewart A. Judson, State of California, Office of Administrative Hearings, presided.

Susan Ruff, Deputy Attorney General, represented the Attorney General of the State of California.

Petitioner Joseph E. Alexander represented himself.

The matter was submitted on June 24, 2005.

FACTUAL FINDINGS

1. The Board for Professional Engineers and Land Surveyors (Board) granted license No. C 18297 (Civil Engineer) to Joseph E. Alexander (petitioner) on August 23, 1968.
2. The Board suspended the license for one year effective August 7, 1988, stayed the suspension and placed petitioner on probation for a period of three years on certain conditions. Probation ended on August 7, 1991, and the license was fully restored.
3. Accusation No. 741-A was filed against petitioner in July 1993 alleging violations of Business and Professions Code section 6775, subdivision (c)

and Title 16, California Administrative Code, section 404, subdivision (w) (Negligence) and Business and Professions Code section 6775, subdivision (g) (Unprofessional Conduct). Petitioner did not contest the accusation, and the matter proceeded as a default under Government Code section 11520. The Board revoked the license effective October 24, 2003.

4. Petitioner's Petition for Reinstatement of Revoked License is dated April 20, 2005.

5. Petitioner is 68 years old. He has not been practicing since the revocation of his license. Until then, he had been active in all phases of civil engineering. He notified all of his clients that he was ceasing his practice following receipt of the Board's Order revoking his license. Since then, he has worked on a part-time basis for two registered civil engineers and a licensed architect doing structural calculations for lateral and vertical loads of remodeled commercial buildings; preparing grading plans, including preparation of topographical maps, and calculations for single family attached residences; and preparing structural calculations for residential retaining walls.

6. Following the revocation of his license, petitioner has shared office space with one of the registered civil engineers with whom he has been working. The two split the rent. They do not intend to become partners if this petition is granted.

7. During the past two years, petitioner successfully completed a 4.5-hour continuing education workshop in anchor systems and a 4.5-hour continuing education workshop in general connectors. Petitioner also submitted five letters to the Board from former clients and associates attesting to his honesty, professionalism and efficiency in the past and their desire to work with him again in the future.

8. Petitioner concedes that his record maintenance has been deficient and resulted in his inability to produce files when required during past investigations.

9. Petitioner avows that, if his petition is granted, he has no intention of ever practicing geotechnical engineering but, instead, will only engage in civil engineering projects. He also avows that, if he did become involved in a geotechnical project, he would never certify its completion until he was satisfied that the project conformed to plans and specifications and would insist on conducting continuous rather than intermittent inspections.

10. Petitioner acknowledges that the Board incurred investigation costs amounting to \$5,971 in Case No. 741-A and agrees to reimburse the Board this sum.

LEGAL CONCLUSIONS

1. Though petitioner shows no lack of engineering knowledge, he has demonstrated poor judgment in the past due to incomplete knowledge of project-content. Also, petitioner's demonstrated history of poor record keeping must be corrected. In short, the Board concludes that petitioner's prior disciplinary history resulted not from an inability to understand structural and geotechnical engineering techniques but rather from bad business practices.

2. Accordingly, the Board finds sufficient grounds for granting this petition for reinstatement but only if petitioner satisfies certain conditions that, if accomplished in a timely manner, can assure the Board that he can practice without being a danger to the public.

3. Cause for granting the petition exists under Business and Professions Code section 6780, subdivision (d), subject to certain terms and conditions.

ORDER

The petition for reinstatement of the revoked license of Joseph E. Alexander is granted; provided, however, that the license shall be revoked immediately and the revocation stayed for a period of two years from the effective date of this Order on the following conditions:

- A. During the stay period, petitioner shall take and achieve the passing grade as set by the Board for the California Special Civil Seismic Principles examination and shall take and complete a business practices course approved in advance by the Board or its designee.
- B. If petitioner does not comply with said condition to the Board's satisfaction, the stay shall terminate two (2) years from the effective date of this Order and the license shall remain revoked.
- C. If petitioner complies with condition A above in a timely manner, the stay shall then be extended for a period of three years and the license shall issue on probation for a period of three (3) years from the effective date of its issuance subject to the following conditions:
 - 1. Petitioner shall obey all laws and regulations related to the practices of professional engineering and professional land surveying.
 - 2. Petitioner shall submit such special reports as the Board may require.

3. The period of probation (three years) shall be tolled during the time petitioner is practicing exclusively outside the State of California. If, during the period of probation, petitioner practices exclusively outside the State of California, petitioner shall immediately notify the Board in writing.
4. Upon successful completion of all of the probationary conditions and the expiration of the period of probation, petitioner's license shall be unconditionally restored.
5. Within eighteen (18) months of the effective date of the issuance of the probationary license, petitioner shall successfully complete and pass the California Laws and Board Rules examination, as administered by the Board.
6. Within eighteen (18) months of the effective date of the issuance of the probationary license, petitioner shall successfully complete a course in professional ethics approved in advance by the Board or its designee.
7. Petitioner shall pay to the Board the sum of \$5,971, the Board's investigation and enforcement costs incurred in Case No. 741-A, within two (2) years of the effective date of the issuance of the probationary license.
8. If petitioner violates the probationary conditions in any respect, the Board, after giving petitioner notice and an opportunity to be heard, may vacate the stay and reinstate the disciplinary order that was stayed. If, during probation, an accusation or petition to vacate the stay is filed against petitioner, or if the matter has been submitted to the Office of the Attorney General for the filing of such, the Board shall have continuing jurisdiction until all matters are final, and the period of probation shall be extended until all matters are final.

1 BILL LOCKYER, Attorney General
of the State of California
2 ERLINDA G. SHRENGER, State Bar No. 155904
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
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6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11 JOSEPH EDGAR ALEXANDER,
12 a.k.a. JOSEPH E. ALEXANDER,
a.k.a. JOE ALEXANDER
13 6100 Lupine Avenue
Bakersfield, CA 93308

14 Civil Engineer License No. C 18297

15 Respondent.

Case No. 741-A

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

16
17 FINDINGS OF FACT

18 1. On or about July 9, 2003, Complainant Cindi Christenson, P.E., in her
19 official capacity as the Executive Officer of the Board for Professional Engineers and Land
20 Surveyors, Department of Consumer Affairs, filed Accusation No. 741-A against Joseph Edgar
21 Alexander, also known as Joseph E. Alexander and Joe Alexander (Respondent), before the
22 Board for Professional Engineers and Land Surveyors.

23 2. On or about August 23, 1968, the Board for Professional Engineers and
24 Land Surveyors (Board) issued Civil Engineer License No. C 18297 to Respondent. The Civil
25 Engineer License was in full force and effect at all times relevant to the charges brought in
26 Accusation No. 741-A, and will expire on June 30, 2005, unless renewed.

27 3. On or about July 16, 2003, Sylvia Reyes, an employee of the Department
28 of Justice, served by certified mail and first class mail, a copy of the Accusation No. 741-A,

1 Request for Discovery and Government Code sections 11507.5, 11507.6, and 11507.7 to
2 Respondent's address of record with the Board, which was and is 6100 Lupine Avenue,
3 Bakersfield, CA 93308. A copy of the Accusation is attached as Exhibit A and incorporated
4 herein by reference.

5 4. Service of the Accusation was effective as a matter of law under the
6 provisions of Government Code section 11505, subdivision (c).

7 5. On or about August 4, 2003, the aforementioned documents served by
8 certified mail were returned by the U.S. Postal Service marked "Return to Sender - Unclaimed."
9 The postal returned documents are incorporated herein by reference.

10 6. Government Code section 11506 states, in pertinent part:

11 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
13 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
14 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

15 7. Respondent failed to file a Notice of Defense within 15 days after service
16 upon him of the Accusation, and therefore waived his right to a hearing on the merits of
17 Accusation No. 741-A.

18 8. Government Code section 11520 states, in pertinent part:

19 "(a) If the respondent either fails to file a notice of defense or to appear at the
20 hearing, the agency may take action based upon the respondent's express admissions or upon
21 other evidence and affidavits may be used as evidence without any notice to respondent."

22 9. Pursuant to its authority under Government Code section 11520, the Board
23 finds Respondent is in default. The Board will take action without further hearing and, based on
24 Respondent's express admissions by way of default and the evidence before it, contained in
25 Exhibit A, finds that the allegations in Accusation No. 741-A are true.

26 10. The total costs for investigation and enforcement are \$5,971.00, as of
27 September 5, 2003.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Joseph Edgar Alexander has subjected his Civil Engineer License No. C 18297 to discipline.

2. A copy of the Accusation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board for Professional Engineers and Land Surveyors is authorized to revoke Respondent's Civil Engineer License based upon the following violations alleged in the Accusation:

a. Business and Professions Code section 6775, subdivision (c), and California Code of Regulations, title 16, section 404, subdivision (w), for negligence.

b. Business and Professions Code section 6775, subdivision (g), for unprofessional conduct.

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1 ORDER

2 IT IS SO ORDERED that Civil Engineer License No. C 18297, heretofore issued
3 to Respondent Joseph Edgar Alexander, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may
5 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
6 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
7 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
8 statute.

9 This Decision shall become effective on October 24, 2003.

10 It is so ORDERED September 25, 2003

11
12 Original Signed
13 ~~FOR THE~~ BOARD FOR PROFESSIONAL ENGINEERS
14 AND LAND SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS

15 Attachments:

16 Exhibit A: Accusation No.741-A
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Exhibit A
Accusation No. 741-A

BILL LOCKYER, Attorney General
of the State of California
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Attorneys for Complainant

**BEFORE THE
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 741-A

JOSEPH EDGAR ALEXANDER,
a.k.a. JOSEPH E. ALEXANDER,
a.k.a. JOE ALEXANDER
6100 Lupine Avenue
Bakersfield, CA 93308

A C C U S A T I O N

Civil Engineer License No. C 18297

Respondent.

Complainant alleges:

PARTIES

1. Cindi Christenson, P.E. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs.

2. On or about August 23, 1968, the Board for Professional Engineers and Land Surveyors (Board) issued Civil Engineer License No. C 18297 to Joseph Edgar Alexander, also known as Joseph E. Alexander and Joe Alexander (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2005, unless renewed.

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1 subcontractor, to provide soils engineering services on the Owen Project, including but not
2 limited to, preparing site grading plans, structural calculations, and quality control related to
3 geotechnical issues.

4 **FIRST CAUSE FOR DISCIPLINE**

5 (Negligence)

6 8. Respondent is subject to disciplinary action under Section 6775(c) of the
7 Code and Title 16, California Code of Regulations, section 404 (w), for negligence in that, on the
8 Owen Project, he failed to use the care ordinarily exercised in like cases by duly licensed
9 professional engineers in good standing, by reason of the following:

10 A. On or about June 4, 1998, at the general contractor Beirne's request,
11 Respondent performed three (3) in-place density tests in the fill area of the building pad for the
12 proposed residence. The tests were taken at 3 foot, 2 foot, and 1 foot depths, and the results were
13 90.5%, 91.6%, and 92.2% compaction, respectively. The number and location of the density
14 tests were inadequate for certification of structural fill soils placed at the site.

15 B. The test report for the density tests described in Paragraph 8A, above,
16 which Respondent signed and sealed, failed to include the following information:

- 17 1. Field notes and calculations;
- 18 2. The type of structural fill soils;
- 19 3. How such soils were conditioned prior to placement;
- 20 4. Benching dimensions;
- 21 5. Thickness of the lifts;
- 22 6. The volumetric properties of each lift;
- 23 7. Method of compaction;
- 24 8. Equipment used;
- 25 9. Date(s) tests taken;
- 26 10. Method used for the tests;
- 27 11. Compaction tests data for "Maximum Dry Density";
- 28 12. The foot print of the building related to the test locations; and

13. Inspection frequency (full-time or intermittent).

C. The results of the density tests described in Paragraph 8A, above, failed to comply with the specifications provided in the General Notes of the Grading Plan prepared by Respondent for "Lot 249, Tract 3423". Item 6 of the General Notes of the Grading Plan states: "Fill material shall be placed in layers not to exceed 8" in compacted thickness and compacted to a minimum of 90% of maximum dry density at optimum moisture content by an approved method." In the Engineered Grading Inspection Report, signed and sealed by Respondent and dated June 4, 1998, Respondent certified that "[a]ll earthen fills were placed upon properly prepared base material, benched where required and compacted in accordance with the approved grading plan,"

D. The Grading Plan and the Plot Plan that Respondent prepared for "Lot 249, Tract 3423" depicts two totally different projects with different building footprints and grading. The Grading Plan does not have a date, signatures, seals, owner's name, sheet number, or project name or number. The Plot Plan shows a revision date of "4/11/98", identifies the job as "Beirne", and is numbered sheet 1 of 6.

E. Respondent signed and sealed a certification for the Rough Grading for the Owen Project on June 4, 1998. Respondent signed and sealed another certification for the Rough Grading on June 23, 1999, and for the Final Grading Inspection on December 17, 1999. The existence of two certifications at three different dates concerning site grading is misleading and irregular.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

9. Respondent is subject to disciplinary action under Section 6775(g) of the Code, for unprofessional conduct, by reason of the acts alleged in Paragraph 8, above.

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1. Revoking or suspending Civil Engineer License No. C 18297, issued to Joseph Edgar Alexander, also known as Joseph E. Alexander and Joe Alexander;

3. Taking such other and further action as deemed necessary and proper.

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